



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,152	07/22/2005	Friedhelm Piepenstock	Piepenstock	2633
25889	7590	02/01/2008		
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER WILLIAMS, THOMAS J	
			ART UNIT 3683	PAPER NUMBER
			MAIL DATE 02/01/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/543, 152

**Applicant(s)**

PIEPENSTOCK ET AL.

**Examiner**

Thomas J. Williams

**Art Unit**

3683

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 17 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 3 and 5.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Thomas J. Williams/  
Primary Examiner, Art Unit 3683

Claims 1 and 3, Knudsen teaches a helical compression spring having precisely one spring body in a helical line shape (see figure 1 and 2), the spring has several windings and has planer end disks (as are clearly evident from figures 1 and 2), each winding has an incline and at least one segment with a lesser incline than the incline of the winding (essentially "0", as seen in figure 1 and also illustrated in the Office action dated October 26, 2007), all the segments of the windings are disposed symmetrically to precisely one divisional plane of the helical compression spring (please refer to the Office action dated October 26, 2007, as one can see the windings are symmetrical to a plane defined by the central axis of the spring, this is substantially identical to figures 1, 2, 5 and 6 of the instant invention), each of the windings have segments of a lesser incline in comparison to the incline of the winding (again see figure 1, note the essentially horizontal or straight section of winding adjacent the rising and falling incline segments). Knudsen merely fails to teach the compression spring configured as an injection molded part, which is interpreted by the examiner as a product by process. Wherein normally the process of manufacture in an apparatus claim is not considered when determining patentability over the prior art of record. However, it will be addressed here. Lemelson teaches a process of making a compression spring involving an injection molding step, wherein the compression spring is configured as an injection molded part. This is merely seen by the examiner as one method of forming a spring, in particular this method is more modern than the methods used during Knudsen. It would have been obvious to one of ordinary skill in the art to have configured, or manufactured the compression spring of Knudsen as an injection molded part as taught by Lemelson, thereby utilizing more modern methods, and materials when having formed the compression spring of Knudsen.

Claim 5, Knudsen teaches a helical compression spring having precisely one spring body in a helical line shape (see figure 1 and 2), the spring has several windings and has planer end disks (as are clearly evident from figures 1 and 2), each winding has an incline and at least one segment with a lesser incline (essentially "0", as seen in figure 1 and also illustrated in the Office action dated October 26, 2007) than the incline of the winding, all the segments of the windings are disposed symmetrically to precisely one divisional plane of the helical compression spring (please refer to the Office action dated October 26, 2007, as one can see the windings are symmetrical to a plane defined by the central axis of the spring, this is substantially identical to figures 1, 2, 5 and 6 of the instant invention), the segments having a lesser incline have a respective step at a transition (broadly interpreted by the examiner as a transition from one angle of incline to another angle of incline), this step is located at a respective beginning on an underside portion, and at a respective end on a top portion. Knudsen merely fails to teach the compression spring configured as an injection molded part, which is interpreted by the examiner as a product by process. Wherein normally the process of manufacture in an apparatus claim is not considered when determining patentability over the prior art of record. However, it will be addressed here. Lemelson teaches a process of making a compression spring involving an injection molding step, wherein the compression spring is configured as an injection molded part. This is merely seen by the examiner as one method of forming a spring, in particular this method is more modern than the methods used during Knudsen. It would have been obvious to one of ordinary skill in the art to have configured, or manufactured the compression spring of Knudsen as an injection molded part as taught by Lemelson, thereby utilizing more modern methods, and materials when having formed the compression spring of Knudsen.

The examiner admits that Knudsen fails to teach the compression spring configured as an injection molded part, which is why the examiner relies upon Lemelson as teaching the known method of forming a compression spring as an injection molded part. The remarks regarding the structure of the end disks are more specific than the claim language. The claim merely recites the spring having planer end disks, nothing more. Knudsen clearly teaches planer end disks. The supposed functionality of the spring taught by Knudsen is not at issue, and plays no role in the rejection. The geometrical features of Lemelson play no part in the rejection, and as such will not be addressed by the examiner. Lemelson is merely relied upon as teaching a process of making a compression spring, nothing more. It is noted that the citation "step" has not been defined in the specification by the applicant, and as such must be broadly interpreted to include any change in angle or incline. It is further noted that Trame et al. at least teach the claimed invention. As such the rejection must be maintained.

TJW  
January 28, 2008